



reasonable official” would have been on notice that the allegations in the 100-plus page amended complaint could give rise to individual-capacity liability. Ashcroft v. al-Kidd, 563 U.S. 731, 741 (2011) (quotation omitted). Defendant Dawkin has moved to dismiss Plaintiffs’ claims, raising both a special factors defense, under which this Court should not imply the remedy Plaintiffs seek, and a qualified immunity defense, in a twenty-five-page brief in support of his motion. ECF No. 48. In response, Plaintiffs filed a twenty-five-page opposition brief. ECF No. 53.

Undersigned counsel are currently drafting Defendant Dawkin’s reply, due Friday, October 2, and are working diligently to respond as concisely as possible to the arguments raised in Plaintiffs’ opposition. Despite undersigned counsel’s best efforts to narrowly tailor the reply brief, in order to ensure Defendant Dawkin the opportunity to adequately address the complex questions at issue in this case, he respectfully requests from this Court an additional ten pages to file his reply, for a total of up to fifteen pages. This is the first request for leave to file excess pages by Defendant Dawkin in this case.

Undersigned counsel has consulted with counsel for all parties concerning this request. The United States does not object. Plaintiffs consent to the request on the condition that Defendant Dawkin consents to Plaintiffs’ filing of a sur-reply, limited to five pages, which they may or may not file. Defendant Dawkin consents to that putative request. A proposed order is attached.

Dated: September 30, 2020

Respectfully submitted,

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